

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR09-006-JLR
)
Plaintiff,)
)
v.)
) DETENTION ORDER
WILLIE JAMES EARL, JR.)
)
Defendant.)
_____)

Offense charged: Conspiracy to Distribute Marijuana; Distribution of Marijuana (three counts)

Date of Detention Hearing: January 15, 2009

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense the maximum penalty of which

01 is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both
02 dangerousness and flight risk, under 18 U.S.C. §3142(e). The offenses carry mandatory minimum
03 terms of at least 10 years, and, if both defendant's prior drug convictions were to be charged, up
04 to life imprisonment.

05 2. Defendant has a prior conviction relating to production of a false drivers license.
06 The AUSA proffers the information that the scheme utilized a corrupt employee of the Department
07 of Licensing. The AUSA further proffers that during a search connected with the instant matter,
08 another fraudulent drivers license was found with the defendant's photograph. The searches at
09 multiple locations, many of which were owned by the defendant, also found a firearm, ammunition
10 including a magazine to an assault rifle (the assault rifle has not been located), marijuana
11 packaging equipment, and a secret room with two full hockey bags of marijuana. Defendant is
12 reported to have withdrawn the cash proceeds from a recent sale of one of his properties, which
13 cash was not located in the searches.

14 3. Defendant poses a risk of nonappearance due to association with false identifiers
15 and a prior conviction related to the production of false identification documents, ownership of
16 numerous properties in the area including one which has been recently liquidated, and marijuana
17 use. He poses a risk of danger due to the firearms and ammunition discovered in the search of
18 properties owned by him, two prior felony drug conviction, the nature of the instant offense, and
19 a long history of drug abuse.

20 4. Taken as a whole, the record does not effectively rebut the presumption that no
21 condition or combination of conditions will reasonably assure the appearance of the defendant as
22 required and the safety of the community.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 15th day of January, 2009.


Mary Alice Theiler
United States Magistrate Judge